

CERTIFICATE OF ELECTRONIC TRANSMISSION

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Date: January 22, 2009

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Signature:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lasse W. Mogensen, et al. :
Serial No.: 10/687,568 : Confirmation No.: 7139
Filed: October 15, 2003 : Group Art Unit: 3767
For: INJECTOR DEVICE FOR PLACING A : Examiner: Elizabeth MacNeill
SUBCUTANEOUS INFUSION SET :

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In Response to the Notification of Non-Compliant Appeal Brief dated December 30, 2008, Applicants hereby submit the sections required pursuant to 37 CFR 41.37(c)(1)(iii) and 37 CFR 41.37(c)(1)(ix). Each section of this Response is submitted below on separate sheets, and each section heading is numbered to correspond to the numbering of the Notification.

2. STATUS OF CLAIMS

Claims 1–39 and 44–49 have been cancelled.

The claims presented are Claims 40–43 and 50–73. The following claims have been allowed: 40–43, 50–54, 67 and 68. The Examiner did not address (by way of rejection, objection, or allowance) Dependent Claim 65, which depends from an allowed base claim 42. The Examiner rejected Dependent Claim 73, but without reading it on any reference or even citing a reference in reaching the rejection. The Examiner rejected claims 55, 57, 60, 66, 70–72 under 35 U.S.C. § 102(b). The Examiner rejected claims 55–57, 60–64, 66, and 69–72 under 35 U.S.C. § 102(e). Claims 58 and 59 were rejected under 35 U.S.C. § 103(a). All rejected claims are appealed.


8. EVIDENCE APPENDIX

None.

While Applicants believe that no additional fees are due in connection with this filing, Applicants direct the Office to charge **Deposit Account No. 23-1925** for any fees deemed owed during the pendency of this application, excluding the issue fee.

Respectfully submitted,

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